

FILED
2016 JUL 28 AM 9:42
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TEXAS
FORTH WORTH, TEXAS

Removed from Circuit Court for Davidson County, Tennessee

Case 3:16-cv-01967 Document 1 Filed 07/28/16 Page 1 of 3 PageID #: 1

4. Plaintiff is a resident and citizen of Antioch, Davidson County, Tennessee.
5. Auto-Owners is a Michigan company with its principal office located at 6101 Anacapi Boulevard, Lansing, Michigan.
6. The Complaint contemplates an amount in controversy in excess of \$75,000, exclusive of interest and costs, in that Plaintiff specifically seeks compensatory damages of \$142,500, plus a bad faith penalty award.
7. The United States District Court for the Middle District of Tennessee, Nashville Division, is the district and division embracing Davidson County, Tennessee, the place where the state court action was pending. 28 U.S.C. § 1441(a).
8. Upon filing this Notice of Removal, Defendant is giving notice to Plaintiff and to the Circuit Court Clerk of the Circuit Court of Tennessee, Twentieth Judicial District, Davidson County, Tennessee, as required by 28 U.S.C. § 1446(d). A copy of the Notice to be served on Plaintiff and the Clerk of the Davidson County Circuit Court is attached hereto as **Exhibit B**.
9. By filing this Notice of Removal, Defendant does not waive any claims or defenses that may be available to it. E.g. Arizona v. Maypenny, 451 U.S. 232, 243 n.17 (1980). This includes any legal or equitable claims or defenses, counterclaims, and/or right to arbitration or other remedy or procedural mechanism.
10. A completed Civil Cover Sheet is attached hereto as **Exhibit C**.

WHEREFORE, take notice that the Defendant, by and through its counsel, removes the above-entitled action from the Circuit Court for Davidson County, Tennessee to the United States District Court for the Middle District of Tennessee, Nashville Division.

Respectfully submitted,

/s/ Joshua G. Offutt

Joshua G. Offutt (TN BPR #022215)

LeVAN, SPRADER, PATTON, PLYMIRE & OFFUTT

201 Fourth Avenue North, Suite 1500

Nashville, TN 37219

(615) 843-0300

(615)843-0310

joffutt@lsplaw.net

Attorney for Auto-Owners Insurance Company

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served via electronic mail and First Class Mail, postage prepaid, addressed to Thomas W. Thompson, 4725 North Lois Avenue, Tampa, Florida 33614, on this 27th day of August, 2016.

/s/ Joshua G. Offutt

Joshua G. Offutt